

## **Tennessee House Bill No. 73 (Cassels, 1881 – Miscegenation)**

[*On cover*]

HB No 73

Rcd Jany 17

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An Act to repeal Sections one & two of chapter 39 of an act passed June 27/1870 being sections 2437 a & 2437b of Thompson & Stegers revised code of Tennessee, and to prohibit the unlawful carnal intercourse of white persons with negroes, mulattoes [*sic*] and person of mixed blood descended from the negro race, and to prescribe the punishment for violation thereof.

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Refer to Judiciary Committee

Introduced Jany 12. 1881. Passed 1<sup>st</sup> reading and referred to Judiciary Com.

Rec. for passage by a majority of Comm.

Poston. [*William Fletcher Poston, a Republican representing Haywood County, was a lawyer and served as U.S. District-attorney for the Western district of Tennessee and temporary speaker of the Tennessee House of Representatives; a member of Governor Robert L. Taylor's staff, he was a delegate to three national conventions.*]

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P 2<sup>d</sup> R Mar 12<sup>th</sup>

Rejected Mar 24.

[*Text*]

An act to repeal an act passed June 27, 1870, the same being sections 2437a and 2437b, of Thompson and Steger's code of Tennessee, And to prohibit the unlawful carnal intercourse of white persons with negroes, mulattoes and persons of mixed blood descended from the negro race, And to prescribe the punishment for the violation of the same.

**Section 1<sup>st</sup>** Be it enacted by the General Assembly of the State of Tennessee, that, Sections one and two of Chapter 39 of an act passed June 27<sup>th</sup> 1870, the same being Sections 2437a and 2437b, of Thompson & Steger's Revised code of Tennessee, be and the same is hereby repealed.

**Section 2<sup>nd</sup>** Be it further enacted, that the ~~unlawful~~ carnal intercourse of white persons with negroes, mulattoes ~~and~~ or persons of mixed blood descended from the negro race in this state is hereby prohibited.

**Section 3<sup>rd</sup>** Be it further enacted that the persons knowingly violating the provisions of the 2<sup>nd</sup> Section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, before any court of competent Jurisdiction Shall pay a fine in any sum not to exceed fifty dollars, or undergo confinement in the county Jail ~~not~~ for any period not to exceed three months, or both in the discretion of the court trying the case.

**Section 4** Be it further enacted that his act take effect from and after its passage the public welfare requiring it.

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[Notes from Judiciary Committee, written on scraps of paper, folded inside the bill]

Provided it shall not be competent for either party to the act of fornication, to testify for or against the other party, to establish the guilt.

Strike out all between the enacting clauses & last section to insert—

“That adultery and fornication be, And the same are hereby declared to be misdemeanors and subject to indictment or presentment. And Any person found guilty of such offense shall be fined in any Sum not less than five nor more than fifty dollars.”

Amend by striking out the repealing clause repealing section 2437a and that the caption be so amended, as to conform to the amendment.

Adopted.

Amend the amendment by adding after the figures “2437a” the following “2437b.”

Adopted.